

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CLEMENS FRANEK,
Plaintiff,

v.

WALMART STORES, INC. and
TARGET CORPORATION,
Defendants.

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No. 08-cv-00058

Judge Robert M. Dow, Jr.

NOTICE OF AGREED MOTION

To: All counsel of record (see attached Certificate of Service)

PLEASE TAKE NOTICE that on Thursday, February 26, 2009 at 9:15 a.m., the undersigned shall appear before the Honorable Robert M. Dow, Jr., in the courtroom usually occupied by him in the United States Courthouse, 219 South Dearborn, Chicago, Illinois, and then and there present an AGREED MOTION FOR EXTENSION OF TIME TO COMPLETE DISCOVERY AND REQUESTING A SETTLEMENT CONFERENCE, was filed on February 18, 2009, a copy of which is attached hereto.

Dated: February 20, 2009

Respectfully submitted,

WAL-MART STORES, INC.

By: /s/ Mark A. Paskar

One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true and correct copy of the foregoing document was served via the court's electronic filing system on this 20th day of February , 2009, to all counsel of record:

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CLEMENS FRANEK,

Plaintiff,

v.

WALMART STORES, INC. and
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Defendants.

Civil Action No. 08-Civ-0058

Judge Robert M. Dow, Jr.

JURY DEMAND

JAY FRANCO & SONS, INC.,

Plaintiff,

v.

CLEMENS FRANEK,

Defendant.

Civil Action No. 08-Civ-1313

Judge Robert M. Dow, Jr.

JURY DEMAND

**AGREED MOTION REQUESTING AN EXTENSION OF TIME
TO COMPLETE DISCOVERY AND REQUESTING
A SETTLEMENT CONFERENCE**

1) The parties previously requested and the Court granted a first extension of time for discovery. The parties are requesting this second extension of time to complete discovery in the event that Franco's Motion for Summary Judgment is not granted, and the settlement conference does not result in a resolution of this case.

2) The parties previously requested and the Court ordered that a settlement conference be scheduled with a Judge or Magistrate Judge if Jay Franco & Sons, Inc.'s Motion for Summary Judgment is not granted, at a place and time to be agreed on by this Court and the parties, as soon as possible after this Court's decision on said Motion for Summary Judgment.

3) Accordingly, the parties jointly request that the deadline to complete Fact Discovery be extended from March 13, 2009 (as originally set forth in this Court's Minute Order of October 8, 2008), up to and including July 13, 2009; to extend the date that Expert Reports are due from April 16, 2009 (as originally set forth in this Court's Minute Order of October 8, 2008), up to and including August 6, 2009; to extend the deadline to complete Expert Discovery from August 3, 2009 (as originally set forth in this Court's Minute Order of October 8, 2008), up to and including November 7, 2009, in order to allow sufficient time for this Court to decide Jay Franco & Sons, Inc.'s pending Motion for Summary Judgment, and if this motion is denied, in order to allow the parties sufficient time to take Depositions and to complete Fact and Expert Discovery.

All counsel have provided their written consent to this Motion.

This Motion is not being filed for the purpose of delay or harassment, and it is submitted that the above proposed discovery extensions will not result in any prejudice to any party.

Dated: February 18, 2009

CLEMENS FRANEK

JAY FRANCO & SONS, INC.

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Judge Robert M. Dow, Jr.

JURY DEMAND

**AGREED CONSENT ORDER EXTENDING THE TIME
TO COMPLETE DISCOVERY AND ORDERING
A SETTLEMENT CONFERENCE**

Upon consideration of the Agreed Motion filed by the parties, it is ORDERED that:

1) the deadline to complete Fact Discovery is extended from March 13, 2009 to July 13, 2009; the date that Expert Reports are due is extended from April 16, 2009 to August 16, 2009; and the deadline to complete Expert Discovery is extended from August 3, 2009 to November

7, 2009, in order to allow sufficient time for this Court to decide Jay Franco & Sons, Inc.'s pending Motion for Summary Judgment, and if this motion is denied, in order to allow the parties sufficient time to take Depositions and to complete Fact and Expert Discovery.

2) The parties previously requested and the Court ordered that a settlement conference be scheduled with a Judge or Magistrate Judge if Jay Franco & Sons, Inc.'s Motion for Summary Judgment is not granted, at a place and time to be agreed on by this Court and the parties, as soon as possible after this Court's decision on said Motion for Summary Judgment.

Judge Robert M. Dow, Jr.
U.S. District Judge

Dated: February 18, 2009